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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,513	11/03/2000	John J. Gabrick	MINMAT.P03	6517

7590

09/23/2005

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,513

Applicant(s)

GABRICK ET AL.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicants' communication filed on February 25, 2005. Claims 1 and 3-8 are pending in the application and have been examined. The rejections and response to arguments are stated below.

Drawings

2. The drawings filed with this application are objected to by the examiner. This application has been filed with informal and illegible drawings (not just figure 15c), which are acceptable for examination purposes only. The replacement drawings for figure 15c filed on February 25, 2005 are still not legible. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Regarding claim 7, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germeraad et al (Reference U) in view of Cho et al (US Patent 6,539,403 B2).

With reference to claim 1, Germeraad teaches a system comprising at least one computer with at least one database of company innovation data resident thereon; wherein the system automatically summarizes company innovations (See Germeraad Page 36 Column 2), and generates reports which list potential competitive strengths or weaknesses (See Germeraad Page 36 Column 2 and Page 37 Column 1).

Germeraad does not explicitly teach the step of using intelligent agents to automatically perform searches on the Internet to find competing ideas.

Cho teaches the step of using intelligent agents to automatically perform searches on the Internet to find competing ideas (See Cho abstract and Column 7 lines 21-34). The spreadsheet program of Cho is interpreted to include intelligent agents.

Both Germeraad and Cho are concerned with the problem of managing information. It would have been obvious to one with ordinary skill in the art at the time of the current invention to combine the teachings of Cho to the invention of Germeraad. The combination of the disclosures taken as a whole, suggests that users would have benefited from the quick and timely retrieval of information over the Internet.

With reference to claim 3, Germeraad teaches the step comprising a query engine to determine and report some or all of the ideas that an individual has submitted over a selected time period (See Germeraad Page 38). Tracking ideas from their inception to their outcome includes this feature.

With reference to claims 4 and 5, the steps of measuring employee performance based on employee's contribution and the hours worked are old and well known. These steps help the management reward outstanding employees for their contribution and excellence. Germeraad discloses the steps of overall corporate innovation levels (inherent in Germeraad's disclosure), documenting resources that contributed to the innovation (See Germeraad page 38), so that IP assets can be assigned tangible values and tracked (See Germeraad Page 39).

With reference to claim 6, Germeraad teaches a system for streamlining the process of creating, preserving and/or protecting proprietary assets, the system comprising at least one computer with at least one database of company innovation data resident thereon, wherein the system identifies, classifies, compiles, tracks and/or routes real-time innovation data automatically on a continuous basis (See Germeraad Page 36 Column 2 – Page 38 Column 2), and provides instant access to the database of innovation information (See Germeraad Page 36 Column 2 – Page 37 Column 1), taken from the group of innovation information consisting of trade secret archives, patent filings, computed valuations, and user information (See Germeraad Page 41 Column 2), further wherein an employee thereby has instant access to her latest innovations and proprietary materials (See Germeraad Page 36 Column 2 – Page 38 Column 2).

With reference to claim 7, Germeraad teaches the step of an employee entering an intellectual creation taken from the group of intellectual creations consisting of documents, ideas, schematics (See Germeraad Page 36 Column 2 – Page 38 Column 2), and the like, and receiving an immediate, time/date certification therefor (Electronic time/date certification for submissions is old and well known. This provides proof of submission and the time submitted to the user and also facilitates an audit trail).

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With reference to claim 8, Cho teaches the step wherein a user can link more details on each submission, and other users can email comments and suggestions directly to the author, or optionally submit their own improvements as a new or supplemental innovation (See Cho Column 8 line 53 – Column 9 line 10).

Response to Arguments

7. Applicant's other arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Taylor et al (US Patent 6,292,830 B1) (September 18, 2001) System for Optimizing Interaction Among Agents Acting on Multiple Levels.

(b) Vanderdrift (US Patent 5,455,945) (October 3, 1995) System and Method for dynamically Displaying Entering, and Updating Data from a Database.

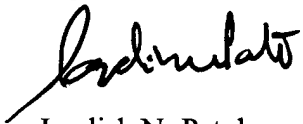
© Ghilardi Fiona, J.M “Getting to Real-Time Knowledge Management” Online, v21n5, Sep-Oct 1997, pp 99-102.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian
September 14, 2005

A handwritten signature in black ink, appearing to read 'Jagdish N. Patel', written over a horizontal line.

Jagdish N. Patel
Primary Examiner